

DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
MAGISTRATE CRIMINAL MINUTES  
SENTENCING  
(AMENDED)

**FILED**

DISTRICT COURT OF GUAM

JUN - 9 2005

MARY L.M. MORAN  
CLERK OF COURT

TIME: 10:46 a.m. (7)

CASE NO. MG-05-00016

DATE: 05/03/2005

Related Case No. MG-05-00015

HON. JOAQUIN V.E. MANIBUSAN, JR., Magistrate Judge

Official Court Reporter: Wanda Miles

Electronically Recorded -RUN TIME: 10:46:03 - 11:22:32

Law Clerk: Judith Hattori

Courtroom Deputy: Virginia T. Kilgore

CSO: B. Pereda

\*\*\*\*\* APPEARANCES \*\*\*\*\*

DEFT: JOON HYUN HA

(X) PRESENT (X) CUSTODY ( ) BOND ( ) P.R.

ATTY: KIM SAVO

(X) PRESENT ( ) RETAINED (X) FPD ( ) CJA APPOINTED

U.S. ATTORNEY: MARIVIC DAVID

AGENT: ROB ROBERTSON, Bureau of Immigration and  
Customs Enforcement

U.S. PROBATION: CHRIS DUENAS

U.S. MARSHAL: S. LUJAN

INTERPRETER: HEE-JUNG WON, Previously sworn

\*\*\*\*\*  
PROCEEDINGS: INITIAL APPEARANCE / INFORMATION / PLEA / SENTENCING

( ) COMPLAINT READ TO DEFENDANT

(X) FINANCIAL AFFIDAVIT REVIEWED AND ACCEPTED: FEDERAL PUBLIC DEFENDER, ATTORNEY APPOINTED

(X) DEFENDANT SWORN AND EXAMINED: AGE: Born 1973 HIGH SCHOOL COMPLETED: High School Graduate

(X) DEFENDANT ARRAIGNED AND ADVISED OF HIS RIGHTS, CHARGES AND PENALTIES

( ) REMOVAL/IDENTITY HEARING ( ) CONDUCTED ( ) WAIVED ( ) SET FOR: \_\_\_\_\_ at \_\_\_\_\_

( ) WARRANT OF REMOVAL ISSUED

( ) GOV'T SUMMARIZES THE EVIDENCE ( ) GOV'T SUBMITS TO THE PLEA AGREEMENT

(X) COURT QUESTIONS DEFENDANT REGARDING HIS PHYSICAL AND MENTAL CONDITION, AND ADVISES DEFENDANT  
OF THE NATURE AND POSSIBLE CONSEQUENCES OF SAID PLEA

( ) DEFENDANT WAIVE READING OF ( ) COMPLAINT ( ) INFORMATION ( ) INDICTMENT

(X) PLEA ENTERED: (X) GUILTY ( ) NOT GUILTY - TO: IMPROPER ENTRY BY AN ALIEN

( ) COUNT(S) \_\_\_\_\_ DISMISSED ON GOVERNMENT'S MOTION

(X) PLEA AGREEMENT FILED: MAY 3, 2005 PLEA: (X) ACCEPTED ( ) REJECTED

( ) SENTENCING DATE: \_\_\_\_\_ at \_\_\_\_\_ ( ) STATUS HEARING: \_\_\_\_\_ at \_\_\_\_\_

( ) PRESENTENCE REPORT ORDERED AND DUE: \_\_\_\_\_

( ) PRELIMINARY EXAMINATION SET FOR: \_\_\_\_\_

( ) ARRAIGNMENT SET FOR: \_\_\_\_\_ at \_\_\_\_\_

( ) TRIAL SET FOR: \_\_\_\_\_

PROCEEDINGS CONTINUED TO: \_\_\_\_\_ at \_\_\_\_\_

( ) DEFENDANT TO BE RELEASED ON BOND (see release conditions on page 2)

(X) DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL SERVICE FOR (X) PROCESSING ( ) DETENTION

( ) DETENTION HEARING REQUESTED BY GOV'T DEFT IS SET FOR: \_\_\_\_\_ at \_\_\_\_\_

( ) DEFENDANT RELEASED ON BAIL AS PREVIOUSLY ORDERED BY THIS COURT

NOTES:

Parties stipulated to waive the presentence report. Joint recommendation to the Court by parties to impose a sentence of time served, \$3,000 fine, \$10 special assessment fee and one year of unsupervised release. Defense requested that the \$10 special assessment be paid from the money confiscated from Immigration and that the \$3,000 fine be paid to the Court no later than Friday, May 6, 2005. Government had no objection. GRANTED. The Government moved to dismiss Magistrate Case No. 05-00015. GRANTED. The Court imposed sentence.

SENTENCE: MG-05-00016

DEFENDANT: JOON HYUN HA

(X) DEFENDANT SENTENCED TO A TERM OF TIME SERVED.

(X) DEFENDANT IS PLACED ON UNSUPERVISED RELEASE FOR A TERM OF ONE YEAR WITH STANDARD CONDITIONS.

UPON SENTENCING, PURSUANT TO 18 U.S.C. § 3583(d), THE DEFENDANT SHALL BE TURNED OVER TO A DULY AUTHORIZED IMMIGRATION OFFICIAL FOR DEPORTATION PROCEEDINGS IN ACCORDANCE WITH THE ESTABLISHED PROCEDURES PROVIDED BY THE IMMIGRATION AND NATURALIZATION ACT, 8 U.S.C. §1101 ET SEQ. AS A FURTHER CONDITION OF SUPERVISED RELEASE, IF ORDERED DEPORTED, THE DEFENDANT SHALL REMAIN OUTSIDE THE UNITED STATES AND SHALL NOT RE-ENTER WITHOUT THE PERMISSION OF THE U.S. ATTORNEY GENERAL.

IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE OF \$10.00 TO BE PAID FROM THE MONEY CONFISCATED BY THE BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT AND A FINE OF \$3,000.00 NO LATER THAN FRIDAY, MAY 6, 2005.

COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL.